

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

UNITED STATES OF AMERICA

v. CRIMINAL NOS. 2:13-cr-00091-04  
2:13-cr-00091-07

DARRELL E. GILLESPIE  
JAMAA I. JOHNSON

MOTION IN LIMINE TO LIMIT IMPEACHMENT  
OF CERTAIN LAW ENFORCEMENT WITNESSES

Now comes the United States of America, by Meredith George Thomas, Assistant United States Attorney for the Southern District of West Virginia, and moves the Court *in limine* to preclude the defendants from cross-examining members of a local police department as to any alleged bias or racial insensitivity referenced in a letter to defendants' counsel from the United States dated January 10, 2014. See Exhibit 1, Letter Dated January 10, 2015.

Witnesses may be impeached on their untruthful character pursuant to Federal Rule of Evidence 608 (character and conduct) and Federal Rule of Evidence 609 (prior convictions). Witnesses may also be impeached based upon bias, prior inconsistent statements pursuant to Federal Rule of Evidence 613, defects in capacity such as memory and perception, prior bad acts pursuant to Federal Rule of Evidence 404(b), and contradiction.

The information provided to defendants' counsel has no bearing on any of these potential areas of impeachment and was provided to defendants' counsel by the United States out of an abundance of caution. The evidence the United States anticipates that the officers from this police department will be limited in nature to include their response to the robbery on March 22, 2012, and the authentication and chain of custody of physical evidence. The United States would further inform the Court that these witnesses are expected to testify toward the end of the trial but the United States wanted to bring the issue to the Court's attention before the officers are called to testify.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "MOTION IN LIMINE TO LIMIT IMPEACHMENT OF CERTAIN LAW ENFORCEMENT WITNESSES" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing and/or electronic mail on this 12th day of January 2015, to:

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